UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,632	03/09/2001	Tadamasa Kitsukawa	50P4112.01	8533

7590 07/01/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Office Action Summary	Application No.	Applicant(s)
		09/802,632	KITSUKAWA ET AL.
		Examiner	Art Unit	
		John Manning	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-13* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-13* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Williams et al (US Pat No 5,977,964) in view of Matthews et al. (US Pat No 5,914,746).

In regard to claim 1-3, Williams discloses a automatically configuring multimedia

content on a users system based on a user profile. The claimed limitations of "a

television tuner" and "a display communicating with the tuner for displaying broadcast

television signals" are met by Figure 1, Item 102. Williams discloses memory

communicating with the display, where the web pages are stored in the memory.

Williams also discloses that the web pages are periodically received. The "system

controller 104 is configured to retrieve and store entertainment programming information

available from a wide variety of sources" (Col 3, Lines 13-15). "In one embodiment,

system controller 104 retrieves specific stock quotes customized to Joe's portfolio. In

one implementation, system controller 104 retrieves the specific stock quotes from a

predetermined world wide web site on the Internet via telephone/network interface 128"

(Col 6, Lines 10-15). Further, "if system controller 104 identifies a particular program

which may be of interest to a particular user, system controller 104 can record the

program without prompting the user" (Col 17, Lines 3-6). Also, "Thus, the present

invention automatically configures a system based on a user's monitored system

interaction and preferred system access times" (Col 17, Lines 23-25). The claimed

limitation of "at least one user data input memory, the user data input memory storing at

least some user demographic information, the user demographic information being at

least partially used to establish the Web page stored in the virtual channel memory" is

met by Figure 1, Item 104. The "system 100 includes system controller 104 which, in

one embodiment, is configured to store user profile information which controller 104

develops for each of the users of system 100" (Col 3, Lines 10-13). The disclosed

system determines the age of the user, which is demographic information.

"Accordingly, if system controller 104 determines that a child is using entertainment

system 100, it may restrict the advertising to breakfast cereal's and toys, whereas if the

current user is an adult system controller may promote advertising for automobiles and

home appliances" (Col 6, Lines 40-44). Furthermore, the "system control agent 704 can

request demographic information from each user to be transmitted with the behavior log

to allow for better analysis of the log information contained in the behavior log" (Col 16,

Lines 22-26). Williams is silent with respect to selectable virtual channels. Matthews

teaches the use of selectable virtual channel so as to organize a "number of different

services or programs, ranging from traditional broadcast television, to movies-on-

demand, to online shopping, banking, and information services" (Col 3, Lines 5-8).

Consequently, it would have been obvious to one of ordinary skill in the art to implement

Williams with selectable virtual channels for the stated advantage.

In regard to claim 4, Willaims discloses that the user profiles include user preference. "By way of additional examples, user profile database 800 includes information indicating Joe User's preferred computer settings, including preferred types of Internet sites (e.g., Games, Sports, and Financial), as well as preferred software applications (e.g., a clock and a birthday reminder application)" (Col 6, Lines 25-30).

In regard to claim 5, the claimed limitation of "at least one web server" is by the system retrieving information from a web page. "In one embodiment, system controller 104 retrieves specific stock quotes customized to Joe's portfolio. In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128" (Col 6, Lines 10-15). It is interpreted that the website has an associated web server. The claimed limitation of "at least one television signal source" is met by Figure 1, Items 124, 126 and 134. Williams discloses memory communicating with the display, where the web pages are stored in the memory. Williams also discloses that the web pages are periodically received. The "system controller 104 is configured to retrieve and store entertainment programming information available from a wide variety of sources" (Col 3, Lines 13-15). "In one embodiment, system controller 104 retrieves specific stock quotes customized to Joe's portfolio. In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128" (Col 6, Lines 10-15). Further, "if system controller 104 identifies a particular program which may be of interest to a particular user, system controller 104 can record the program without prompting the user" (Col 17, Lines 3-6).

Also, "Thus, the present invention automatically configures a system based on a user's

monitored system interaction and preferred system access times" (Col 17, Lines 23-25).

Williams is silent with respect to selectable virtual channels. Matthews teaches the use

of selectable virtual channel so as to organize a "number of different services or

programs, ranging from traditional broadcast television, to movies-on-demand, to online

shopping, banking, and information services" (Col 3, Lines 5-8). Consequently, it would

have been obvious to one of ordinary skill in the art to implement Williams with

selectable virtual channels for the stated advantage.

In regard to claim 6, the claimed limitation of "at least one user data input

memory, the user data input memory storing at least some user demographic

information, the user demographic information being at least partially used to establish

the Web page stored in the virtual channel memory" is met by Figure 1, Item 104. The

"system 100 includes system controller 104 which, in one embodiment, is configured to

store user profile information which controller 104 develops for each of the users of

system 100" (Col 3, Lines 10-13). The disclosed system determines the age of the

user, which is demographic information. "Accordingly, if system controller 104

determines that a child is using entertainment system 100, it may restrict the advertising

to breakfast cereal's and toys, whereas if the current user is an adult system controller

may promote advertising for automobiles and home appliances" (Col 6, Lines 40-44).

Furthermore, the "system control agent 704 can request demographic information from

each user to be transmitted with the behavior log to allow for better analysis of the log

information contained in the behavior log" (Col 16, Lines 22-26).

In regard to claim 7, Williams discloses that the user profiles include user preference. "By way of additional examples, user profile database 800 includes information indicating Joe User's preferred computer settings, including preferred types of Internet sites (e.g., Games, Sports, and Financial), as well as preferred software applications (e.g., a clock and a birthday reminder application)" (Col 6, Lines 25-30).

In regard to claim 8, the claimed limitation that the computer page is a web page is disclosed in the reference. "In one embodiment, system controller 104 retrieves specific stock quotes customized to Joe's portfolio. In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128" (Col 6, Lines 10-15).

In regard to claim 9, Williams discloses memory communicating with the display, where the web pages are stored in the memory. Williams also discloses that the web pages are periodically received. The "system controller 104 is configured to retrieve and store entertainment programming information available from a wide variety of sources" (Col 3, Lines 13-15). "In one embodiment, system controller 104 retrieves specific stock quotes customized to Joe's portfolio. In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128" (Col 6, Lines 10-15). Further, "if system controller 104 identifies a particular program which may be of interest to a particular user, system controller 104 can record the program without prompting the user" (Col 17, Lines 3-6). Also, "Thus, the present invention automatically configures a system based on a user's monitored system interaction and preferred system access

times" (Col 17, Lines 23-25). Williams is silent with respect to selectable virtual

channels. Matthews teaches the use of selectable virtual channel so as to organize a

"number of different services or programs, ranging from traditional broadcast television,

to movies-on-demand, to online shopping, banking, and information services" (Col 3,

Lines 5-8). Consequently, it would have been obvious to one of ordinary skill in the art

to implement Williams with selectable virtual channels for the stated advantage.

In regard to claims 10-11, the claimed limitations of "enabling a consumer to

input demographic information into the user data input memory" and "establishing the

Web page at least partially based on the user demographic information." are met by

Figure 1, Item 104. The "system 100 includes system controller 104 which, in one

embodiment, is configured to store user profile information which controller 104

develops for each of the users of system 100" (Col 3, Lines 10-13). The disclosed

system determines the age of the user, which is demographic information.

"Accordingly, if system controller 104 determines that a child is using entertainment

system 100, it may restrict the advertising to breakfast cereal's and toys, whereas if the

current user is an adult system controller may promote advertising for automobiles and

home appliances" (Col 6, Lines 40-44). Furthermore, the "system control agent 704 can

request demographic information from each user to be transmitted with the behavior log

to allow for better analysis of the log information contained in the behavior log" (Col 16,

Lines 22-26).

In regard to claims 12-13, Williams discloses that the user profiles include user

preference. "By way of additional examples, user profile database 800 includes

information indicating Joe User's preferred computer settings, including preferred types

of Internet sites (e.g., Games, Sports, and Financial), as well as preferred software

applications (e.g., a clock and a birthday reminder application)" (Col 6, Lines 25-30).

Conclusion

3.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John Manning whose telephone number is 571-272-

7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JM
June 22, 2005

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